

REMARKS

Claims 1–20 were previously pending in this Application. Claims 1, 3, 13 and 14 have been amended herein. Applicants submit that no new matter has been added. Applicants respectfully request reconsideration of the Application in view of the foregoing amendments and the following remarks.

Specification

The Office Action dated April 27, 2007 (hereinafter “Office Action”) objects to Applicants’ specification because on page 7, line 12 thereof, the word “flown” should be replaced with “flowed”. See Office Action, 4/27/07, p. 2. Applicants have corrected this informality and respectfully request withdrawal of this objection.

Claim Rejections—35 U.S.C. § 112, Second Paragraph

Claims 1, 3, 13 and 14 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as their invention. See Office Action, 4/27/07, p. 2. In particular, the Office Action states that the terms “upstream” and “downstream” lack antecedent basis because they are not defined in the claim language and it would not be apparent to one of ordinary skill in the art to distinguish the upstream and downstream portions from the claim limitations. See Office Action, 4/27/07, p. 2. In response, Applicants have amended claims 1, 3, 13 and 14 to clarify that the upstream and downstream portions are defined by the direction of

gas and/or refrigerant flow within the passage. Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

Claim Rejections—35 U.S.C. § 102

Claims 1, 2, 12 and 13 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Kato et al., U.S. Patent No. 4,127,363 (“Kato”). Claims 1–4 and 12–15 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Tarutani et al., U.S. Patent No. 6,675,607 (“Tarutani”). Applicants respectfully submit that the pending claims are patentably distinct over the cited references in view of the foregoing amendments and following remarks.

Amended independent claims 1 and 13 recite inter alia:

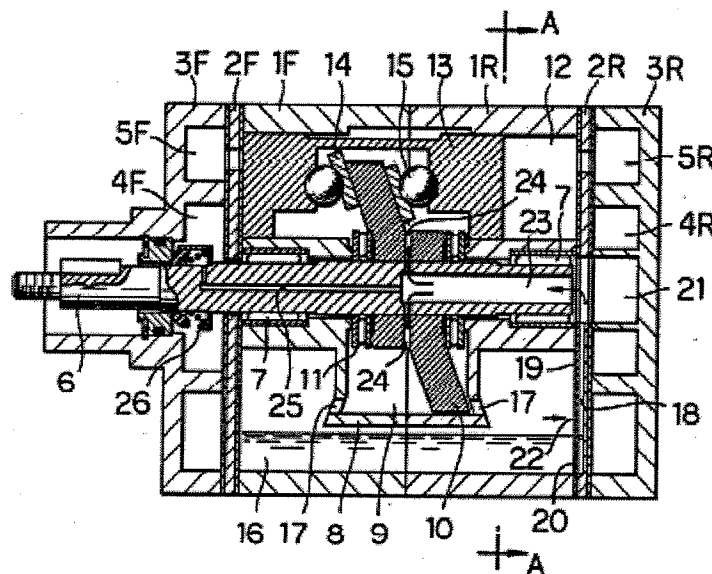
1. A compressor with a lubrication structure, comprising . . . a gas passage that extends through the rotary shaft and communicates with the driving body accommodating chamber ***so that gas in the driving body accommodating chamber flows into the gas passage***, wherein the gas passage includes an expansion portion; and a fluid passage formed in the rotary shaft to open to the expansion portion and the driving body accommodation chamber, ***wherein the maximum cross-sectional area of the expansion portion is greater than the maximum cross-sectional area of a section of the gas passage that is upstream of the expansion portion with regard to gas flow in the gas passage.*** (emphasis added)

13. A compressor with a lubrication structure, comprising . . . a refrigerant passage extending through the rotary shaft, wherein the refrigerant passage includes an inlet, which communicates with the swash plate chamber, ***a guide passage, and an expansion portion, so that gas in the swash plate chamber is introduced into the inlet and flows through the guide passage and the expansion portion***; and a fluid passage formed in the rotary shaft in a radial direction to open to the expansion portion and the

swash plate chamber *wherein the maximum cross-sectional area of the expansion portion is greater than the maximum cross-sectional area of a section of the refrigerant passage that is upstream of the expansion portion with regard to refrigerant flow in the refrigerant passage.* (emphasis added)

Applicants submit that neither Kato or Tarutani anticipate amended independent claims 1 and 13 because neither reference expressly or inherently discloses each and every limitation of these claims. See MPEP § 2131 et seq.

Kato discloses a swash-plate type compressor having a gas passage extending through rotary shaft (6). As shown below, the gas passage of Kato includes a passage (23) and a passage (25).



The maximum cross-sectional area of the passage (23) is greater than that of the passage (25). As shown above, fluid passage (24) radially extends through the rotary shaft to connect the passage (23) with a driving body accommodation chamber (9). The passage (23) is communicated with an oil reservoir (16) through an oil passage (18) and a supplementary oil

reservoir (21). The passage (25) is communicated with suction chamber (4F). A gas and oil mixture flows from the oil reservoir (16) to the suction chamber (4F) by passing through oil passage (18), supplementary oil reservoir (21), and passages (23) and (25).

While the Office Action identifies passage (23) of Kato as corresponding to Applicants' claimed expansion portion, Kato discloses passage (23) as being upstream of passage (25). In other words, Kato discloses that the maximum cross-sectional area of the expansion portion, i.e., passage (23), is greater than the maximum cross-sectional area of a section (25) of the gas passage that is downstream of the expansion portion (23) with regard to gas flow in the gas passage. Kato, however, does not disclose the claimed feature in which the maximum cross-sectional area of the expansion portion is greater than the maximum cross-sectional area of a section of the gas passage that is upstream of the expansion portion with regard to gas flow in the gas passage.

Tarutani discloses a swash plate type compressor having a gas passage (38a, 38, 39, 41) that extends through a rotary shaft (16) and communicates with a driving body accommodating chamber (15) so that gas in the driving body accommodating chamber (15) flows into the gas passage. The gas passage includes an expansion portion (39, 41). The maximum cross-sectional area of the expansion portion (39, 41) is greater than the maximum cross-sectional area of a section (38a, 38) of the gas passage that is upstream of the expansion portion (39, 41) with regard to gas flow in the gas passage.

Tarutani also discloses a fluid passage (41a) formed in the rotary shaft (16) to open to the expansion portion (39, 41). While the fluid passage (41a) of Tarutani opens to a suction channel (42) connected to a compression chamber (22), it **does not open to the driving**

body accommodating chamber (15). In other words, Tarutani does not disclose “a fluid passage formed in the rotary shaft to open to the expansion portion and the driving body accommodation chamber,” as recited in amended independent claim 1, or “a fluid passage formed in the rotary shaft in a radial direction to open to the expansion portion and the swash plate chamber,” as recited in amended independent claim 13.

For at least the above reasons, Applicants submit that neither Kato or Tarutani teach or suggest each and every limitation of amended independent claims 1 and 13 or claims 2–4, 12 and 14–15 depending therefrom. Accordingly, these claims define patentable subject matter over the prior art and Applicants respectfully request withdrawal of these grounds of rejections.

Claim Rejections—35 U.S.C. § 103

Claims 5–11 and 16–20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Tarutani et al. in view of Fujii et al., U.S. 5,419,685. Applicants respectfully submit that the pending claims are patentably distinct over the cited references in view of the foregoing amendments and following remarks.

Pursuant to 35 U.S.C. § 103(c) and MPEP § 706.02(I), Applicants submit that Tarutani is not prior art for purposes of a rejection under 35 U.S.C. § 103(a) because the instant application and Tarutani were, at the time the invention of the instant application was made, owned by common assignee, Kabushiki Kaisha Toyota Jidoshokki. Accordingly, Applicants respectfully request withdrawal of these grounds of rejection.

Serial No. 10/770,730
Amendment & Response dated July 27, 2007
Reply to Office Action dated April 27, 2007

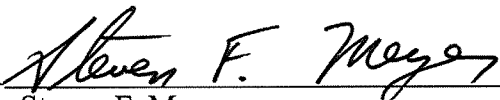
Docket No. 5000-5142

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

Respectfully submitted,
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